IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.20813 of 2008
SATYA NARAYAN MAHTO
Versus
THE UNION OF INDIA THRO.C.B.I.
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3 22.07.08. Heard learned counsel for the petitioner and learned counsel appearing on behalf of C.B.I.

The petitioner apprehends his arrest in connection with Special Case No. 4 of 2008 arising out of C.B.I. R.C. Case No. 5(A) of 2008, registered under Section 7 of the Prevention of Corruption Act, 1988.

Submissions of the petitioner in nutshell to the effect that the petitioner was Accountant in the office of the concerned Head Post Office and discharging his duty as an Accountant. He had examined and passed the pension bill as well as arrear bills of the mother of the complainant on 14th March, 2008 and handed over the same to the Post Master of the said Post Office for onwards disposal. It is further submitted that the aforesaid two bills alleged to have been recovered on 27th March, 2008, from the drawer of the petitioner by the C.B.I. is absolutely doubtful for the reason that the seizure list did not had the signature of any employee of the Postal Department who could had been the natural witness. It is further submitted that the trap was conducted without following the laid down procedure before registering the case and verification of the allegations were required to be made before proceeding in the matter and the same having not been done, the whole procedure adopted by the C.B.I. in laying the trap and the alleged recovery of the bills as well as the bribed amount is not

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justified in law. It is further submitted that the petitioner was not present in the office on the date of occurrence i.e. on 27th March, 2008 on account of his illness and as such he was not arrested in the office nor any attempt to arrest him was made. Therefore, in the above circumstances, it was submitted that he had no occasion to instruct Sateyendra Singh who alleged to have demanded and received the bribe amount at his instance, as such he be granted anticipatory bail.

On the other hand, learned counsel appearing on behalf of the C.B.I. submits that from perusal of the charge sheet submitted in the case against the petitioner and the co-accused Satyendra Singh as well as sanction order, it would appear that before registering the aforesaid case bearing No. R.C. Case No. 5(A) of 2008, a discreet verification in the matter was made and after verification the case in question was registered. It is further submitted that the petitioner was very much present on 27th March, 2008, although, he did not sign the Attendance Register as would appear from the certificate granted by the Post Master of the concerned Post Office on the same date.

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Learned counsel appearing on behalf of the C.B.I.. further submits that Satyendra Singh demanded and received the bribe money at the instance of the petitioner. Learned counsel appearing on behalf of the C.B.I. further submits that after investigation. charge sheet has been submitted on 30th June, 2008 against this petitioner as well as said Satyendra Singh who was arrested whereas the petitioner taking advantage of the situation fled away from the place of occurrence.

It is further submitted on behalf of the C.B.I. that Satyendra

Singh who was in custody on consideration of the facts and circumstances of the case has been allowed bail by this Court.

Considering the above submissions of both the parties and on perusal of materials brought on the record and charge sheet as well as sanction order produced by the learned counsel for the C.B.I. for prosecution of this petitioner, I am not inclined to allow the anticipatory bail application. The same is accordingly rejected. The petitioner on surrender in the court below and prays for bail, the court below would consider the same on its own without being prejudiced by this order.

M. Pal. **(Shailesh Kumar Sinha, J.)**

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